

# EXHIBIT 1

**Pages 1 - 36**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Lisa J. Cisneros, Magistrate Judge

IN RE: UBER TECHNOLOGIES, )  
INC., PASSENGER SEXUAL ASSAULT )  
LITIGATION ) **No. 23-MD-03084 CRB (LJC)**  
 )  
 )  
\_\_\_\_\_ )

San Francisco, California  
Tuesday, May 13, 2025

**TRANSCRIPT OF REMOTE ZOOM VIDEOCONFERENCE PROCEEDINGS**

**APPEARANCES VIA ZOOM:**

For Plaintiffs:

GIRARD SHARP, LLP  
601 California Street, Suite 1400  
San Francisco, California 94108-2819  
**BY: ANDREW R. KAUFMAN, ATTORNEY AT LAW**

CHAFFIN LUHANA LLP  
600 Third Avenue, 12th Floor  
New York, New York 10016  
**BY: STEVEN D. COHN, ATTORNEY AT LAW**

WALKUP, MELODIA, KELLY & SCHOENBERGER  
650 California Street, 26th Floor  
San Francisco, California 94108-2615  
**BY: SARA M. PETERS, ATTORNEY AT LAW**

EDELSON PC  
1728 16th Street, Suite 210  
Boulder, Colorado 80302  
**BY: MEREDITH D. STRATIGOPOULOS**  
**ATTORNEY AT LAW**

**(APPEARANCES CONTINUED ON FOLLOWING PAGE)**

REPORTED REMOTELY BY: Ana Dub, RMR, RDR, CRR, CCRR, CRG, CCG  
CSR No. 7445, Official U.S. Reporter

**APPEARANCES VIA ZOOM:** (CONTINUED)

For Plaintiffs:

CLARKSON LAW FIRM, P.C.  
95 Third Street, Second Floor  
San Francisco, California 94103  
**BY: TRACEY B. COWAN, ATTORNEY AT LAW**

For Defendants:

SHOOK, HARDY & BACON LLP  
600 Travis Street, Suite 3400  
Houston, Texas 77002  
**BY: VERONICA H. GROMADA, ATTORNEY AT LAW**

SHOOK, HARDY & BACON LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
**BY: CHRISTOPHER V. COTTON, ATTORNEY AT LAW**

KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022  
**BY: CHRISTOPHER D. COX, ATTORNEY AT LAW**

Tuesday - May 13, 2025

1:20 p.m.

P R O C E E D I N G S

---o0o---

**THE COURTROOM DEPUTY:** U.S. District Court is now in session. The Honorable Magistrate Judge Lisa J. Cisneros presiding.

We are calling 23-MD-03084, In Re Uber Technologies, Inc. Counsel, please state your appearances for the record, beginning with plaintiffs.

**MS. PETERS:** Good afternoon, Your Honor. Sara Peters on behalf of the plaintiffs.

**THE COURT:** Good afternoon.

**MR. COHN:** Good afternoon, Your Honor. Steven Cohn on behalf of plaintiffs.

**THE COURT:** Good afternoon.

**MS. COWAN:** Good afternoon, Your Honor. Tracey Cowan on behalf of plaintiffs.

**THE COURT:** Okay. Good afternoon.

**MS. STRATIGOPOULOS:** Good afternoon, Your Honor. Meredith Drukker Stratigopoulos on behalf of plaintiffs.

**THE COURT:** Okay. Good afternoon.

**MR. KAUFMAN:** Good afternoon, Your Honor. Andrew Kaufman from Girard Sharp on behalf of the plaintiffs.

**THE COURT:** Good afternoon.

**THE COURTROOM DEPUTY:** And now we'll start with

1 defense.

2 **MR. COX:** Good afternoon, Your Honor. Christopher Cox  
3 on behalf of the Uber defendants.

4 **THE COURT:** Good afternoon.

5 **MR. COTTON:** Good afternoon, Your Honor. This is  
6 Chris Cotton from Shook Hardy, also on behalf of the Uber  
7 defendants, and I'm joined by my partner Veronica Gromada.

8 **THE COURT:** Good afternoon.

9 All right. I've got the parties' joint discovery letter,  
10 and I had a couple of questions that I wanted to ask before --  
11 before we check in briefly about the bellwether depositions.

12 I don't think this will be a long hearing, but I did want  
13 to run a few of these questions by the parties, starting with  
14 the purported mass deletion of company data regarding the  
15 30(b)(6) notice, where Uber says that that topic is simply too  
16 broad and there needs to be some sort of threshold showing of  
17 spoliation.

18 My question for the plaintiffs there is, when I think  
19 about Rule 30(b)(6) notices, they need to be specific enough  
20 for the witness that's put forward to prepare and answer  
21 questions related to that topic. So, you know, how broad is --  
22 is the purported mass deletion of company data? I mean,  
23 this -- Uber is a very large -- it's a large corporation. It  
24 has a lot of different kinds of data and information. It's  
25 like where -- what are the parameters for that, the scope of

1 this mass deletion? There's a general reference to a book.

2 So who wants to tackle that question?

3 **MR. COHN:** I'll take that, Your Honor. Steven Cohn on  
4 behalf of plaintiffs.

5 So, Your Honor, this has been an issue since before  
6 the Court issued PTO Number 2 related to potential evidence  
7 destruction. This goes back a while, related to when  
8 litigation holds were put in place in 2023; and it's  
9 plaintiffs' position that should have been put in place much  
10 earlier, going back to 2013. It's come up during document  
11 production, where plaintiffs have gone back and asked for  
12 particular hyperlinks, that the defendants have come back and  
13 said they can't find those particular issues.

14 So, really, what we want to explore on a -- on a 30(b)(6)  
15 deposition on this topic is exactly what is missing, why it's  
16 missing, and when it went missing.

17 We know that certain documents are missing. We know that  
18 there's gaps in production. In the PTO 8 letter, we used  
19 Mr. Kalanick as an example, related to just a minuscule amount  
20 of emails that have been produced, and we'd expect to see a  
21 much higher volume of documents produced.

22 So this particular topic, as we put in the notice, we  
23 related it into sub -- some statements that were made in either  
24 the book *Super Pumped* or in the Jacobs letter, which was filed  
25 by another court in this district. But I think really, at a

1 30(b)(6) deposition, we want to explore this topic broadly to  
2 find out exactly what's missing, how it went missing, and then  
3 potentially come back to the Court later on with a Rule 37  
4 motion.

5 **THE COURT:** Okay. But what's missing? I mean,  
6 company information -- how does Uber identify an appropriate  
7 witness and prepare that witness? Because it's a very broad --  
8 "what's missing" is not very particular. Like, what type of  
9 data --

10 **MR. COHN:** Sure.

11 **THE COURT:** -- are you talking about?

12 How would you propose that Uber prepare for something of  
13 that scope, you know, a set of questions that could be  
14 potentially very broad?

15 **MR. COHN:** It's difficult to pin down precisely,  
16 Your Honor, because at this point we don't know exactly what's  
17 missing. We know that when we requested relevant documents,  
18 we've gotten responses that "They're missing"; and we know that  
19 when, you know, we've sought different things, that they  
20 weren't available; and from what we could see in the gaps, that  
21 there are relevant documents missing. But it's hard to -- I  
22 understand why Your Honor is asking this question; but it's  
23 hard, prior to actually taking the deposition, to know exactly  
24 what that is.

25 You know, certainly, we want to narrow this as much as

1 possible; but, you know, I think it would be really related to  
2 any relevant documents which were not preserved related to a  
3 relevant issue from 2013 onward that's been described in the  
4 book *Super Pumped*, also in the Jacobs letter.

5 And it's -- it's -- I understand why Your Honor is asking  
6 that, but it's difficult to kind of narrow that down further  
7 without really knowing the complete universe of what relevant  
8 information is missing.

9 **THE COURT:** I thought maybe -- it looked like,  
10 Mr. Cox, maybe you wanted to speak up, or I don't know who from  
11 Uber would like to respond to this point.

12 **MR. COX:** I would like to respond, Your Honor.  
13 Thank you. This is my first time before you. It's good to see  
14 you, and thank you for the opportunity to be heard.

15 I think -- I think Your Honor identified the challenge  
16 here, and Mr. Cohn, I think, acknowledged it, which is that  
17 there hasn't been a threshold showing that relevant documents  
18 are missing or that Uber has not met any obligation to retain  
19 documents that are missing or lost.

20 And we've agreed to put up a witness on the other  
21 13 topics in the notice that relate to recordkeeping  
22 procedures, policies, and litigation holds.

23 But what Topic 1 is about, it's very vague; it's very  
24 broad. It's about a stray sentence in a book published a  
25 number of years ago, and it does not identify with specificity



1 that documents related to this litigation, that are relevant to  
2 this litigation were lost or destroyed, and that's the  
3 challenge in preparing a witness on a topic like that.

4 **MR. COHN:** And, Your Honor, if I could respond  
5 briefly.

6 **THE COURT:** Mm-hmm.

7 **MR. COHN:** That's a separate issue regarding narrowing  
8 the actual topic. But we've certainly met our threshold  
9 showing that relevant information is missing because we've  
10 requested relevant documents from Uber and they've come back  
11 and specifically told us "That's missing." So we know it's  
12 happening. And we also have additional evidence because we've  
13 seen gaps in production. So it's really -- we've met that  
14 threshold showing. It's a question of narrowing the scope  
15 potentially of that topic.

16 **THE COURT:** Well, I guess one way that I'm thinking  
17 about this issue is that there may not be a need for a strict  
18 showing, a threshold showing on missing or destroyed evidence  
19 to implicate spoliation.

20 Instead, these are types of questions -- at least where  
21 they're more specific, these are types of questions that you  
22 could ask, and it would be proportionate to the needs of the  
23 case because it would be part of simply figuring out whether  
24 production has been complete or to what extent production of  
25 relevant information is complete, given all of the litigation

1 holds that were placed over 14 years.

2 So I'm thinking of this possibly as allowing at least  
3 certain lines of inquiry, not because -- not necessarily  
4 because it's dependent on some threshold showing that there's  
5 been systematic destruction of evidence, but simply to ensure  
6 that -- that production is as complete as it can be or to  
7 understand what the scope of the production is.

8 So especially, I think particularly in this kind of case,  
9 which is an MDL, it's not your -- I know it might be considered  
10 sort of discovery on discovery, but this is not just one  
11 individual case. It's thousands of cases brought together in a  
12 centralized, you know, proceeding for pretrial purposes; and --  
13 and it covers many, many years with different employees and  
14 different poli- -- you know, document retention policies over  
15 the years.

16 So even -- I mean, there's some information here that  
17 plaintiffs are putting forward regarding systemic destruction  
18 of information. But I think the reality here, though, is that  
19 I think it may be well within Rule 26 to allow certain of these  
20 topics simply to ensure that we've got complete production and  
21 to understand the extent to which information was able to be  
22 collected and produced.

23 But I'm still struggling with this -- the breadth of Topic  
24 Number 1. And I think as a practical matter, it presents some  
25 difficulty in terms of preparing to answer questions, basic

1 questions.

2 But your other -- the other topics that plaintiffs have  
3 listed, though, do -- you know, are more specific as far as  
4 Uber's recordkeeping systems, retention policies and practices  
5 with respect to emails, and that's Topic Number 4. You know,  
6 the Topic Number 5 is specific to Slack communications. And I  
7 don't understand Uber to be objecting to those topics as an  
8 appropriate part of a 30(b)(6) deposition. So why can't  
9 plaintiffs simply ask the questions they want to ask within  
10 these particular topics that are not objected to at this point  
11 by Uber?

12 **MR. COHN:** Your Honor, I think there might be some  
13 overlap, but I think really -- and Your Honor, I think, nailed  
14 it on the head. When we're really looking at systemic failures  
15 and systemwide failures at Uber, I don't think we're asking  
16 Uber to prep a deponent to talk about any specific individual's  
17 deficient production. It's really systemic problems and  
18 systemwide problems. Those problems were documented not just  
19 in the book, but also in the Jacobs letter. And so some of  
20 that might be overlapping with other topics in the notice, but  
21 some might not, and some might come in just specifically under  
22 that Topic 1.

23 **THE COURT:** Well, systemwide, I mean, you could talk  
24 about the whole company; but it seems like you have to think  
25 about, you know, what data systems. Are you talking about

1 email, the email system or the system for -- it's -- the  
2 support communications and all the Bliss messages or the  
3 investigatory documents that were maintained? Because kind of  
4 a broad reference to systemwide, I mean, unless you've got  
5 something more specific that you can explain to me and explain  
6 to Uber so that they can properly prepare and have a fair  
7 opportunity to prepare; otherwise, it sounds just like a  
8 behemoth of a topic.

9 **MR. COHN:** Well, I mean, I think it was what was  
10 articulated not just in the book, but in the Jacobs letter.  
11 The Jacobs letter specifically goes through --

12 **THE COURT:** Well, there's no excerpt of the book, I  
13 mean, that's --

14 **MR. COHN:** Yeah.

15 **THE COURT:** -- attached in the records; right?

16 You want me to go and buy the book and --

17 **MR. COHN:** No. I'm certainly not suggesting that,  
18 Your Honor. I think the book -- the line in the book talks  
19 about a system; but really, the Jacobs letter goes into it in  
20 detail, efforts that were made to destroy documents or  
21 improperly label them as attorney-client privileged. And  
22 I think that's really what we're looking to -- to explore under  
23 Topic 1 and Topic 2.

24 **MR. COX:** Your Honor --

25 **THE COURT:** Well --

1           **MR. COX:** -- I would just -- oh, sorry.

2           **THE COURT:** Okay. The Topic 1 didn't mention the  
3 Jacobs letter. I think it's -- it's in your discovery letter.

4           What did you want to say, Mr. Cox?

5           **MR. COX:** Exactly what you did, Your Honor, that  
6 Topic 1 does not -- the Jacobs letter is not a part of Topic 1.

7           **MR. COHN:** That's true, Your Honor. It's part of  
8 Topic 2. But the Jacobs letter does talk about, in addition to  
9 improper privilege designations, also document destruction.

10           Of course, 30(b)(6), we want to try to put with as much  
11 particularity and specificity as possible, but it's really a  
12 minimum, not a maximum. So it talks about document  
13 destruction, but to really prep the witness and go from there.

14           **THE COURT:** Okay. All right. Let me move on to my  
15 next question about the purported misuse of attorney-client  
16 privilege. What's the threat ops? And how does that relate to  
17 this case?

18           **MR. COHN:** I don't know if that question is for  
19 plaintiffs or defendants, Your Honor.

20           **THE COURT:** It's for the plaintiffs.

21           **MR. COHN:** Well, the threat ops, we're still exploring  
22 exactly how that fits in. We know that's part of Uber. But we  
23 know that -- it appears, at least from that letter, that,  
24 you know, there were improper instructions to mark things  
25 attorney-client privileged. We saw that also in our review of

1 Uber's privilege designations.

2 We previously went to Your Honor regarding a motion for  
3 sanctions. That was denied at that time. But that's what led  
4 to the appointment of the special master. Our understanding is  
5 that we could potentially come back to the Court under a  
6 Rule 37 motion after we explore this further in discovery.

7 Topic 2 is really exploring this further in discovery to  
8 understand exactly what was done with Uber regarding improper  
9 designations of attorney-client privilege, which is, again,  
10 something that we've seen in our review of the privilege logs.

11 **THE COURT:** Okay. I don't think I grasp exactly what  
12 the threat ops was.

13 **MR. COHN:** To be honest, Your Honor, it might be  
14 something that Uber might be better able to explain.

15 **THE COURT:** Yeah, or anybody who can tell me what --  
16 which is mentioned in the --

17 **MR. COHN:** I understand it, generally, as a department  
18 in Uber. I don't know if it even still exists in Uber.

19 But Uber's counsel might be able to answer that better.

20 **MR. COX:** Sure, Your Honor. I can -- our position is  
21 that threat ops doesn't have anything to do with the issues in  
22 this case.

23 You know, as a general matter -- and I think you can get  
24 this from the letter a little bit, that this was a group that  
25 did research on competition and opposition, almost like

1 opposition research in politics. Do not believe that it  
2 relates to the issues of sexual assault and sexual  
3 misconduct -- alleged sexual assault and sexual misconduct in  
4 this litigation.

5 So, again, that's part of the problem here is that  
6 plaintiffs are taking a letter in a settlement demand context  
7 from eight years ago, describing a hearsay statement by the  
8 lawyer's client, a former Uber employee, and using that as sort  
9 of a launching point for a deposition topic, which we believe  
10 is inappropriate.

11 I think, in particular -- and Mr. Cohn alluded to this --  
12 there is a very robust privilege process in this case. And  
13 regardless of any -- we're not conceding that any of these  
14 allegations in the Jacobs letter related to the abuse of  
15 privilege are accurate; but even if they were, even if banners  
16 were inappropriately placed on documents, Uber and its counsel  
17 in this case have an obligation to make good faith privilege  
18 designations. Plaintiffs have an opportunity to challenge  
19 those designations, and there is a very rigorous process by  
20 which those challenges are heard by the Court and adjudicated  
21 on, and privileges are either maintained or rejected on that  
22 basis.

23 So, again, we believe this is not an appropriate topic;  
24 and, rather, privilege is being dealt with by the Court in a  
25 way that makes sense apart from a 30(b)(6) deposition about,

1 again, a stray statement in a letter from a number of years  
2 ago.

3 **MR. COHN:** Your Honor, I would just add that  
4 Mr. Jacobs was -- his direct report was Mr. Sullivan, who is  
5 going to be a deponent in this case. He was part of the  
6 briefing related to which apex depositions would go forward.  
7 And so we want to explore, obviously, to the extent he was a  
8 direct report to Mr. Sullivan, what overlap that was with  
9 documents being improperly marked privileged.

10 **THE COURT:** Okay. I'll give that some more thought.

11 As far as the request to bring laptops, I want to move  
12 into that issue. Can plaintiffs explain more clearly what you  
13 intend to learn or what you think you might learn from the  
14 demonstrations?

15 I know I authorized some inspection previously, but what  
16 more do you need to learn through these particular  
17 demonstrations? The discovery letter describes how the request  
18 is narrowly tailored and that it's not a full request for an  
19 extension -- excuse me -- an inspection. But what -- you know,  
20 what's the purpose as far as information gathering? Like --

21 **MS. PETERS:** Your Honor --

22 **THE COURT:** -- why is it important?

23 **MS. PETERS:** Your Honor, Sara Peters for the  
24 plaintiffs.

25 This is an issue that I'll try to address.



1           **THE COURT:** Sure.

2           **MS. PETERS:** An example may be helpful.

3           In Exhibit 4 to the joint brief -- that's one of the three  
4 notices that were attached.

5           **THE COURT:** Mm-hmm.

6           **MS. PETERS:** There, we had request for -- Request  
7 Number 6 for documents, which asks for the witness to bring a  
8 laptop that's able to view the architecture of the  
9 investigation platforms that are used by Uber's investigators  
10 when they're investigating a reported safety incident.

11           And I'm happy to share my screen if that would be helpful  
12 to Your Honor.

13           **THE COURT:** If you could just give me the docket page  
14 number.

15           **MS. PETERS:** Yeah. This is 2957-1 on page 6.

16           **THE COURT:** Okay.

17           **MS. PETERS:** I'm sorry. I just switched to -- I  
18 switched to follow along with the discussion you were just  
19 having. So, I apologize. It's 2957-4 on page 9 through 10.

20           **THE COURT:** Okay. Yeah, this is a different  
21 deposition notice. Okay.

22           Okay. I'm with you.

23           **MS. PETERS:** Okay. So both Request 6 and Request 7  
24 ask for the witness to bring a laptop that's capable of logging  
25 in and just showing certain -- the architecture of certain

1 platforms and systems.

2 One example is with Request Number 6, we're asking for the  
3 witness to bring a computer that can log into the platforms  
4 that the investigators are using when they're investigating a  
5 reported safety incident so that the witness can show how the  
6 investigators' resources are organized, linked, accessed,  
7 viewed, and interacted with.

8 So this topic -- rather, this notice includes Category 12,  
9 where we're asking for a witness who is knowledgeable, on  
10 behalf of Uber, to talk about the process for investigating  
11 reported sexual assault incidents.

12 And we have a lot of little pieces of the puzzle,  
13 you know, where we have these screenshots of the safety lens or  
14 a screenshot of something from the chronicle map or a  
15 screenshot from something over here, but we don't really see  
16 how those all fit together.

17 And especially, you know, now that companies are  
18 increasingly not relying on just straightforward, old-fashioned  
19 documents, but user interfaces that have interrelated systems  
20 where you click here and then you jump here, you know, and you  
21 open up a protocol or you open up a script that guides you  
22 about what to do and how to respond, we really are flying blind  
23 when we're asking questions of a witness without being able to  
24 understand how that information links together.

25 It's sort of -- not to be -- I guess at the risk of being

1 hyperbolic -- a little bit like taking the deposition of a  
2 pilot about a cockpit where you just have little screenshots or  
3 zoom-ins of every button but you can't, like, zoom it out and  
4 see the dashboard that the pilot would see.

5 This comes up frequently in other contexts, like medical  
6 malpractice in state court where we have electronic medical  
7 record systems that really can't be understood until they're  
8 shared screen at a deposition to walk through the way that the  
9 information is linked together.

10 So that's an example of the goals. And there are really  
11 just four of these categories, all of which are tailored to be  
12 supportive of the questioning at the deposition.

13 **THE COURT:** And none of the discovery that I've  
14 authorized already helps you get at that information or  
15 understand?

16 **MS. PETERS:** It does.

17 **THE COURT:** Because I thought I had authorized a prior  
18 inspection.

19 **MS. PETERS:** No, it does very much so, Your Honor.  
20 And I think you may be referring to the knowledge base issue  
21 where there was --

22 **THE COURT:** Yeah, the policies.

23 **MS. PETERS:** Yeah. With the knowledge base policies,  
24 there was sort of an initial option for the parties to work  
25 together, and then there was a backup option for the plaintiff

1 to actually review on a computer some of those systems.

2 We didn't end up, in that context, getting to that backup  
3 option, as the way that that order was, I think, crafted was to  
4 provide kind of an Option 1 and then an Option 2.

5 But here, there's --

6 **THE COURT:** Okay.

7 **MS. PETERS:** -- a particularized relevance to --

8 **THE COURT:** Right. And then it went to Judge Jones,  
9 I believe, but --

10 **MS. PETERS:** Yeah.

11 **THE COURT:** Okay.

12 **MR. COX:** May I respond, Your Honor?

13 **THE COURT:** Yes, of course.

14 **MR. COX:** Thank you.

15 We believe this is a request without basis or authority,  
16 and plaintiffs haven't cited any authority for this request.  
17 It runs afoul of Rule 34. I believe it would turn  
18 well-accepted deposition -- 30(b)(6) deposition procedures on  
19 their head.

20 In terms of Rule 34, the cases we've cited demonstrate  
21 that that rule does not provide a routine right of direct  
22 access to a party's ESI. Rather, in terms of what you have  
23 ordered in this case, exceptional circumstances must be shown:  
24 data tampering, proven failure to disclose. Those aren't  
25 present here.

1           This is also not narrowly tailored. I mean, this seeks  
2 unfettered access to company systems. And in terms of what  
3 Ms. Peters pointed out, in the Request Number 6, in Exhibit 4  
4 to the letter, Uber investigators may use a number of systems,  
5 and this would allow access to --

6           **THE COURT:** Okay. Let me just pause you here because  
7 it's not so much they want direct -- that plaintiffs want  
8 direct access to Uber's networks, but they want to understand  
9 the interface, as I understand it. And why is that not like a  
10 tangible thing under Rule 30(b)(2) that I can allow --  
11 authorize to be produced as part of a deposition?

12           **MR. COX:** Well, Your Honor, the -- you know, the  
13 show-and-tell that plaintiffs are asking for here would be  
14 without regard to relevance or privilege or confidential  
15 information or private information that's part of those  
16 systems.

17           And, typically, where these types of inspections are  
18 allowed, there are safeguards in place that allow for the  
19 protection -- you might have a monitor; you might have  
20 something else -- but some safeguard in place to protect  
21 against the disclosure of privileged or confidential or private  
22 information; and those safeguards are not really feasible in  
23 the context of an oral deposition.

24           And I guess I'll give a metaphor a shot. I don't know if  
25 it'll be as successful as Ms. Peters. But, I mean, to us, this

1 is tantamount to holding a deposition not in a conference room  
2 of outside counsel, but at Uber's headquarters, and not sort of  
3 sitting down with the questioner asking the witness questions  
4 but, rather, having the witness stroll through the company and  
5 do show-and-tell with Uber's proprietary business information  
6 and systems while answering questions. We don't think that  
7 that's appropriate.

8 **THE COURT:** Well, obviously, counsel will be present  
9 and could object if it went further than -- you know, into  
10 proprietary or confidential information beyond simply,  
11 you know, allowing the attorneys to see a demonstrative of,  
12 like, the dashboard that an Uber employee might be looking at  
13 when they're, you know, receiving and handling some sort of  
14 passenger complaint.

15 **MR. COX:** But, Your Honor, if the request is for a  
16 dashboard, then let's have a discussion about what the request  
17 is for, not sort of allowing access into a live system.

18 And as Your Honor indicated, inspections have been  
19 allowed; or if there are requests for specific -- architecture  
20 of specific systems, I mean, that's a conversation that we can  
21 have. We can have the safeguards in place so privileged or  
22 confidential or private information isn't inadvertently  
23 disclosed. And there may be a way to do that in a way that  
24 allows the step back in the cockpit that Ms. Peters was  
25 suggesting they're looking for.

1 But we submit that, again, there's no authority for sort  
2 of opening up Uber's internal company systems during a  
3 deposition, even if it's just to show the architecture of a  
4 system. And we would meet and confer with plaintiffs if there  
5 are specific systems where screenshots may be helpful, but we  
6 strongly believe that, you know, allowing access to these  
7 systems would not -- doesn't have precedent, should not be  
8 allowed.

9 **THE COURT:** Yeah. Well, site inspections are,  
10 you know, an available discovery tool under the Federal Rules  
11 of Civil Procedure. So I think there's ways to safeguard  
12 confidential information and -- so, anyhow, I think that some  
13 of the arguments that you're making, Mr. Cox, may go a little  
14 further than -- than, you know, what the rules contemplate.

15 **MR. COX:** Can I try to put a finer point on it,  
16 then --

17 **THE COURT:** Sure.

18 **MR. COX:** -- Your Honor?

19 Because I think -- I'm not disputing that inspections can  
20 be permissible under the federal rules. I'm focused on the  
21 idea of doing that in the context of an oral deposition and  
22 converting -- sort of upsetting the purpose of an oral  
23 deposition, which is for the deponent to give oral testimony.

24 And if a plaintiff -- if the deponent cannot sufficiently  
25 describe orally what the system looks like or the

1 architecture -- we, as litigants, deal with that all the  
2 time -- there are ways to address that. The plaintiffs can use  
3 screenshots they have to refresh someone's recollection. That  
4 could be done during a deposition.

5 After a deposition, we could deal with this issue if -- if  
6 the witness was found not to be prepared or incapable of  
7 describing the -- the systems with sufficient particularity.

8 But right now, we're sort of dealing with speculation  
9 about a witness's inability to describe something when that  
10 hasn't been shown.

11 **THE COURT:** Okay. All right. Let me move on to my  
12 final question here.

13 I wanted to check in about the status of production of  
14 case-specific documents in advance of the bellwether  
15 depositions.

16 So let's see. You-all have scheduled many, but not all,  
17 of the individual plaintiffs for deposition, it looks like,  
18 based on the filings a few hours ago or just after lunch.

19 **MR. COTTON:** Yes. Your Honor, this is Chris Cotton  
20 for Uber.

21 I do think we have all of the six Wave 1 plaintiffs  
22 scheduled. The parties have been understandably focusing on  
23 the Wave 1 cases in the near term. We do expect to turn to the  
24 other cases in due course, but at least as to the Wave 1 cases,  
25 each has been scheduled.



1           **THE COURT:** Okay. So are you all on track for  
2 complete production -- for completing production for these  
3 individual bellwether plaintiff depositions? Like, producing  
4 in advance -- previously, I had to address an order about what  
5 questions could be asked or what topics could be covered or  
6 whether a deposition could occur if location information hadn't  
7 been turned over.

8           **MR. COTTON:** Yes.

9           **MS. STRATIGOPOULOS:** Your Honor --  
10 Go ahead, Chris. I apologize.

11          **MR. COTTON:** Yeah, yeah.

12          At least with respect to the discovery we're following up  
13 on with respect to plaintiffs, we've had conversations with  
14 leadership for the plaintiffs' group on some plaintiffs'  
15 discovery responses. There are a handful of issues that  
16 I think we'll need your direction on, and so I anticipate we'll  
17 have a PTO 8 submission on some of plaintiffs' discovery  
18 responses.

19          We're also following up separately with individual case  
20 counsel for particular plaintiffs with respect to case-specific  
21 responses. We'll hold out hope that that meet-and-confer  
22 process is productive and we can narrow any disputes there.

23          But all of that to say, we're addressing plaintiffs'  
24 productions, I think narrowing disputes, and to the extent any  
25 remain, we'll get them promptly addressed.

1           **MS. STRATIGOPOULOS:** So, Your Honor, Meredith  
2           Stratigopoulos for plaintiffs.

3           I do kind of want to reframe what Mr. Cotton was  
4           discussing. So we're on a little bit of an uneven playing  
5           field right now, just from the outset.

6           Plaintiffs have all responded substantively and produced  
7           the documents that are in their possession for at least some of  
8           the requests for production that defendants have issued. As  
9           well, plaintiffs have substantively responded to defendants'  
10          interrogatories and continue to supplement those responses, and  
11          we continue to meet and confer with defendants to continue to  
12          supplement the substantive responses that plaintiffs have  
13          already provided.

14          Of course there are some finite disputes with some that  
15          will ripen with a PTO 8 process that I don't think it's worth  
16          going down those rabbit holes now. But very big picture, the  
17          plaintiffs, in good faith, have been attempting to comply with  
18          the discovery that they can and continuing to supplement before  
19          their depositions.

20          But the question that you asked was about, for example,  
21          location information. That's information that is more so in  
22          the possession of Uber versus the plaintiffs. Uber is in  
23          possession of, for example, all of the GPS data that would show  
24          where the plaintiffs are, as we've requested -- pardon me --  
25          where the defense drivers are, as we've requested, between,

1 you know, 12 hours before the subject incident to 12 hours  
2 after. That's not something that the plaintiffs are currently  
3 in possession of. And that's just one example of something  
4 that we've asked for that we hope we're getting.

5 The plaintiffs have issued requests for production that  
6 very broadly cover information about the plaintiff that Uber's  
7 in possession of, information about the ride and information  
8 about the defense driver. Uber has yet to substantively  
9 respond to all of these requests. We've only received  
10 communication logs, I think, two weeks after they were due for  
11 the bellwether plaintiffs.

12 With that said, we have had multiple meet and confers with  
13 the defendants on plaintiffs' requests for production; and our  
14 understanding, after the conclusion of those meet and confers  
15 that was solidified in the letter that we received yesterday,  
16 is that by May 16th, plaintiffs will be receiving substantive  
17 responses to their first -- to their outstanding requests for  
18 production that were due starting on April 26; that this  
19 production will include -- if there are responsive documents  
20 that have already been produced in response to the custodial  
21 discovery, it will identify those documents by specific Bates  
22 range that actually apply to the question that's been asked;  
23 and that that production will be complete and that it will be a  
24 search of -- for responsive documents wherever Uber thinks  
25 those documents might be. And to the extent that there's a

1 need for new production outside of identifying what may have  
2 previously been produced in custodial files, Uber will be  
3 making those productions.

4 That is our understanding for all of the requests for  
5 production, I think it's 1 through 57, that we've discussed  
6 with them but for one that, again, we're queuing up for PTO 8.  
7 And so our understanding is that when we get to May 16th, we  
8 should have a substantive answer to your question as to: Has  
9 Uber produced everything that we need to move forward with  
10 individual plaintiff depositions? We certainly hope that these  
11 meet and confers will result in that, but we simply won't know  
12 until we see what Uber produces.

13 The other thing to make sure that is just clear here is  
14 that Uber -- our understanding is that Uber will be producing  
15 these documents with the BrownGreer ID for each specific  
16 bellwether plaintiff in the production so that plaintiffs can  
17 identify which production -- which documents apply to which  
18 case, which will also let us answer that question of how do we  
19 move forward with the depositions as scheduled.

20 **THE COURT:** Okay. Well, first of all, you had said  
21 that -- that plaintiffs had responded to at least some of  
22 Uber's discovery requests. You've got to respond to all of  
23 them. So --

24 **MS. STRATIGOPOULOS:** I should have --

25 **THE COURT:** -- that --

1           **MS. STRATIGOPOULOS:** I should have been more clear.

2           We have responded to all of them. There are some  
3           objections that we are standing on that are being queued up for  
4           PTO 8. But plaintiffs have substantively responded to all of  
5           them. There are just some where there are some objections that  
6           we believe the Court will have to address.

7           I apologize I was not clear on that.

8           **THE COURT:** Yeah. Okay. And for the individual  
9           plaintiffs, I'm not sure that -- is it the case for each of  
10          these case- -- individual cases that drivers' locations  
11          12 hours before and after the incident is necessary before you  
12          go forward with the deposition?

13          **MS. STRATIGOPOULOS:** So to the extent that they have  
14          that information --

15          **THE COURT:** I mean --

16          **MS. STRATIGOPOULOS:** -- for --

17          **THE COURT:** -- you might have some cases where that  
18          just is not relevant at all, like there's no bearing on that.

19          **MS. STRATIGOPOULOS:** Yes, Your Honor. There might be  
20          some bellwether cases where we have the GPS information that we  
21          need. But Uber also potentially has location information for  
22          the plaintiffs that we'd also like to see, and I believe we  
23          have a two-hour before-and-after -- or, pardon me -- a 12-hour  
24          before-and-after window that we've requested there.

25          But we have six depositions set right now. And once we

1 see what we get on May 16th, we can identify which one of those  
2 may have missing information that could affect the deposition.

3 But you're correct, Your Honor. To the extent that it's  
4 irrelevant, we can address that when we -- we can address that  
5 when we see what they do and don't produce.

6 **THE COURT:** Okay.

7 **MS. GROMADA:** Your Honor, if I may briefly reply.  
8 This is Veronica Gromada for Uber.

9 It is correct -- counsel's correct that plaintiffs have  
10 made very broad requests with respect to the riders, in this  
11 instance, the plaintiffs and the drivers, but also with respect  
12 to other individuals who may have taken rides with these  
13 subject drivers. And Uber has been meeting and conferring with  
14 plaintiffs in good faith.

15 There are a number of requests where we have made it very  
16 clear that that information is being collected. And since  
17 there have been some meet-and-confer discussions with  
18 plaintiffs, we have further refined additional searches coming  
19 out of those meet and confers and have updated plaintiffs on  
20 the documents and information forthcoming, including  
21 information, as was pointed out, about the location of the --  
22 the drivers 12 hours before and after.

23 So I hope Your Honor can appreciate, with plaintiffs' own  
24 example, why it has taken a bit of time to collect all of that  
25 information. But, again, we have elected to do so in order to

1 position the parties to move forward with what plaintiffs  
2 purport as being necessary for them to move forward with the  
3 depositions.

4 And plaintiffs have indicated throughout the conferral  
5 process that a part of the reason that they have been both very  
6 broad and specific with their requests is that they would like  
7 to make sure that they don't have any surprises about there  
8 being the possibility of some document or a bit of information  
9 that Uber might have regarding their plaintiff that they don't  
10 have, putting them at a disadvantage during depositions. Well,  
11 it feels as if we're almost trying to solve for every possible  
12 scenario that may come up in a deposition before we even get  
13 there.

14 And if I could say by giving yet another example, is that  
15 we're even being asked to provide information with respect to  
16 the -- all accounts, if you will, for the subject plaintiffs,  
17 both with respect to them as riders who use the app and drivers  
18 if they also drive for the company as an independent driver  
19 who's using the app both -- in both respects from a marketplace  
20 standpoint.

21 So, again, we have not been combative on those points.  
22 Just making it clear it takes time.

23 But I can, if Your Honor would like, give an additional  
24 update. But I can assure you, beyond a number of documents  
25 that have gone out already, including various versions of

1 agreements between the defendants and the independent drivers  
2 with respect to the terms of use for the plaintiffs and other  
3 documents, there are a number of documents being uploaded to  
4 the vendor for production. And, yes, they will be produced in  
5 a way that's compliant with the ESI protocol and that will  
6 enable the plaintiffs to download that information in a way  
7 that it can be given to each individual plaintiff's counsel  
8 with the identifiers intact so that they are clear about what's  
9 responsive to each of their pieces.

10 **THE COURT:** Okay. I guess with the reference to the  
11 driver's location data and that getting produced before the  
12 individual plaintiff's deposition, I just don't -- for the  
13 range of time, I don't see why that's going to be necessary to  
14 have 12 hours' worth of driver location data --

15 **MS. STRATIGOPOULOS:** I misspoke.

16 **THE COURT:** -- before the incident.

17 **MS. STRATIGOPOULOS:** It's two hours after. I  
18 apologize, Your Honor. It's two hours after the ride.

19 **MS. GROMADA:** If I may, Your Honor, they've asked both  
20 for two hours and 12 hours after the ride, before and after.

21 And, again, as I understand it, it is to just make sure  
22 that they have full insight into whatever information Uber  
23 might have with respect to the plaintiffs or the driver.

24 But, again, even if that information is discoverable, I  
25 agree with Your Honor that some of what we're being asked to



1 produce, I don't see it as being an impediment with moving  
2 forward with plaintiffs' depositions. But, again, it is being  
3 collected for production --

4 **THE COURT:** Yeah.

5 **MS. GROMADA:** -- throughout this week.

6 **THE COURT:** Well, in my prior order about the  
7 sequencing of production relative to the depositions that are  
8 coming up, I really wanted to ensure that, you know, Uber isn't  
9 intentionally holding back documents that relate to questions  
10 that it's going to be asking the individual plaintiff about;  
11 and so all of that production needs to happen before -- of  
12 those relevant documents needs to happen before the deposition  
13 is held.

14 And that's really the intent of the order, although the  
15 order -- the verbiage and the phrasing is really kind of more  
16 like barring lines of questioning on topics if you haven't  
17 produced the documents related to it; but really, I think the  
18 ultimate practical effect is all of that production needs to  
19 happen before the deposition is held.

20 If you haven't -- if Uber hasn't produced the related  
21 documents on that topic and starts to ask questions about it,  
22 then it seems like it's a representation that Uber looked for  
23 these documents and they didn't exist, and so they're not going  
24 to pop up later on in the case.

25 **MS. GROMADA:** Your Honor, based on where we have

1 landed in the conferrals, I don't anticipate that being a  
2 problem.

3 And, again, these are being uploaded to the vendor for  
4 production throughout this week; and as previously stated, we  
5 are working to get that complete by this Friday.

6 **THE COURT:** Right. Okay. And then, you know, on  
7 plaintiffs' side, there is an abundance of data that Uber has,  
8 and so there may be an inclination just to ask for the sun and  
9 the moon and the stars and every piece of -- every ream of  
10 digital data that the company has to avoid surprises. But  
11 we've got a lot of bellwether cases. There's a lot of cases,  
12 period, in this MDL; and then for the bellwethers, it's a  
13 decent number when you look across the wave.

14 So, you know, be thoughtful about what's proportionate  
15 under Rule 26, and be selective. It may not make sense to do a  
16 cookie-cutter approach if the cases look very different and  
17 have different sort of, you know, factual situations such that  
18 certain information is just -- there's no way -- realistic way  
19 or likelihood that it's going to be relevant. So --

20 **MS. STRATIGOPOULOS:** Yes. Your Honor, we have met and  
21 conferred extensively on the scope of many of our requests.  
22 And Uber has agreed to produce responsive documents within the  
23 scopes that we've discussed for some requests. For others,  
24 they did not elect to meet and confer on the requests and have  
25 said that they will produce responsive documents.

1 And so, I mean, to the extent that any of these concerns  
2 are true, we certainly would have hoped that they've been  
3 resolved in our extensive meet-and-confer process where, again,  
4 the scopes have been discussed at length and, we think, cleared  
5 up appropriately such that this will be responsive production  
6 as it relates to the individual bellwethers. Of course we  
7 think that the size of production in response to each question  
8 may vary between bellwethers, but we do think that we have  
9 resolved outstanding concerns by Uber for the scope. That's  
10 where we've landed as of today.

11 **THE COURT:** Okay.

12 **MR. COTTON:** Your Honor, may I add just a brief point?

13 **THE COURT:** Sure.

14 **MR. COTTON:** Yeah. Just coming back to where I  
15 started, so for similar reasons, obviously, we're going to have  
16 an interest in getting plaintiffs' responses addressed well in  
17 advance of the upcoming depositions. As I mentioned earlier,  
18 we have had productive meet and confers and narrowed the  
19 issues; and to the extent any remain, the plan will be to get  
20 those presented to you promptly so that we can, likewise, get  
21 them addressed ahead of the plaintiffs' depositions, and any  
22 supplemental productions can be similarly made well before.

23 **MS. COWAN:** Your Honor, if I may?

24 **THE COURT:** Sure.

25 **MS. COWAN:** Tracey Cowan. I don't believe I've been

1 in front of you before either. So, very nice to be here in  
2 your courtroom, so to speak.

3 I just wanted to weigh in on plaintiffs' productions  
4 because plaintiffs have produced pretty much everything that  
5 they've been asked for, with the exception of a few discrete  
6 requests that the parties have disputes about, and those are  
7 being teed up per PTO 8 appropriately.

8 Furthermore, defendants last night sent us a chart of  
9 additional sort of one-offs that they thought might still be  
10 deficient; and, again, a lot of those relate to deficiencies  
11 that have nothing to do with withholding of documents. They  
12 have to do with Uber just asking "Can you say there's no more?"  
13 or, you know, "Can you" -- "There seems to be a discrepancy  
14 here."

15 So it's not the case that Uber does not have plaintiffs'  
16 documents. I just want to make that clear. Plaintiffs have  
17 been meeting and conferring in good faith, and I think we've  
18 come to a lot of really good agreements as to scope, really  
19 meeting in the middle wherever we can, and supplemental  
20 productions have been ongoing.

21 **THE COURT:** Okay. All right. Thank you very much for  
22 your time this afternoon. I will get an order out as soon as I  
23 can.

24 **MS. COWAN:** Thank you, Your Honor.

25 **MS. GROMADA:** Thank you, Your Honor.

1           **MR. COX:** Thank you, Your Honor.

2           **MR. COHN:** Thank you, Your Honor.

3           **THE COURTROOM DEPUTY:** Court is now adjourned.

4                   (Proceedings adjourned at 2:10 p.m.)

5                               ---o0o---

6  
7                               **CERTIFICATE OF REPORTER**

8           I certify that the foregoing is a correct transcript  
9 from the record of proceedings in the above-entitled matter.

10  
11   DATE: Friday, May 16, 2025

12  
13  
14  
15                               Ana Dub

16                               \_\_\_\_\_  
17           Ana Dub, RDR, RMR, CRR, CCRR, CRG, CCG

18           CSR No. 7445, Official United States Reporter  
19  
20  
21  
22  
23  
24  
25